

6636

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 12, 2013

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Introduced by M. of A. SANTABARBARA -- read once and referred to the  
Committee on Local Governments

AN ACT to amend the general municipal law, in relation to authorizing  
municipalities to make purchases from other municipalities' contracts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,  
DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 3 of section 103 of the general municipal law,  
2     as separately amended by section 5 of subpart A of part C of chapter 97  
3     of the laws of 2011 and by chapter 608 of the laws of 2011, is amended  
4     to read as follows:  
5     3. Notwithstanding the provisions of subdivision one of this section,  
6     any officer, board or agency of a political subdivision or of any  
7     district therein authorized to make purchases of materials, equipment or  
8     supplies, or to contract for services, may make such purchases, or may  
9     contract for services, other than services subject to article nine of  
10    the labor law, when available, through: (A) the county in which the  
11    political subdivision or district is located; or [through] (B) any county  
12    within the state subject to the rules established pursuant to subdivision  
13    two of section four hundred eight-a of the county law; OR (C)  
14    ANOTHER POLITICAL SUBDIVISION OR DISTRICT OF ANY COUNTY WITHIN THE STATE  
15    SUBJECT TO THE RULES ESTABLISHED PURSUANT TO SUBDIVISION TWO OF SECTION  
16    FOUR HUNDRED EIGHT-A OF THE COUNTY LAW; provided that the political  
17    subdivision or district for which such officer, board or agency acts  
18    shall accept sole responsibility for any payment due the vendor or  
19    contractor. All purchases and all contracts for such services shall be  
20    subject to audit and inspection by the political subdivision or district  
21    for which made. Prior to making such purchases or contracts the officer,  
22    board or agency shall consider whether such contracts will result in  
23    cost savings after all factors, including charges for service, material,  
24    and delivery, have been considered. No officer, board or agency of a  
25    political subdivision or of any district therein shall make any purchase

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 or contract for any such services through the county in which the poli-  
2 tical subdivision or district is located or through any county within  
3 the state when bids and offers have been received for such purchase or  
4 such services by such officer, board or agency, unless such purchase may  
5 be made or the contract for such services may be entered into upon the  
6 same terms, conditions and specifications at a lower price through the  
7 county.

8 S 2. Subdivision 3 of section 103 of the general municipal law, as  
9 amended by chapter 608 of the laws of 2011, is amended to read as  
10 follows:

11 3. Notwithstanding the provisions of subdivision one of this section,  
12 any officer, board or agency of a political subdivision or of any  
13 district therein authorized to make purchases of materials, equipment or  
14 supplies, or to contract for services, may make such purchases, or may  
15 contract for services, other than services subject to article eight or  
16 nine of the labor law, when available[,]: (A) through the county in  
17 which the political subdivision or district is located; or [through] (B)  
18 any county within the state subject to the rules established pursuant to  
19 subdivision two of section four hundred eight-a of the county law; OR  
20 (C) ANOTHER POLITICAL SUBDIVISION OR DISTRICT OF ANY COUNTY WITHIN THE  
21 STATE SUBJECT TO THE RULES ESTABLISHED PURSUANT TO SUBDIVISION TWO OF  
22 SECTION FOUR HUNDRED EIGHT-A OF THE COUNTY LAW; provided that the poli-  
23 tical subdivision or district for which such officer, board or agency  
24 acts shall accept sole responsibility for any payment due the vendor or  
25 contractor. All purchases and all contracts for such services shall be  
26 subject to audit and inspection by the political subdivision or district  
27 for which made. Prior to making such purchases or contracts the officer,  
28 board or agency shall consider whether such contracts will result in  
29 cost savings after all factors, including charges for service, material,  
30 and delivery, have been considered. No officer, board or agency of a  
31 political subdivision or of any district therein shall make any purchase  
32 or contract for any such services through the county in which the poli-  
33 tical subdivision or district is located or through any county within  
34 the state when bids and offers have been received for such purchase or  
35 such services by such officer, board or agency, unless such purchase may  
36 be made or the contract for such services may be entered into upon the  
37 same terms, conditions and specifications at a lower price through the  
38 county.

39 S 3. This act shall take effect immediately, provided that the amend-  
40 ments to subdivision 3 of section 103 of the general municipal law made  
41 by section one of this act shall be subject to the expiration and rever-  
42 sion of such subdivision pursuant to section 9 of subpart A of part C of  
43 chapter 97 of the laws of 2011, as amended, when upon such date the  
44 provisions of section two of this act shall take effect.